IN THE HIGH COURT OF JUDICATURE AT PATNA
Cr.Misc. No.39805 of 2008
DILIP KUMAR CHOUDHARY @ DILIP CHAOUDHARY
son of Jivach Prasad Choudhary,
Resident of Village- Pipra,
P.S.- Pipra, District- Supaul
Versus
STATE OF BIHAR
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2 **24.10.2008** Heard learned counsels for the petitioner and the State.

Petitioner is an accused for the offence under sections 47(A) of the Excise Act.

It has been submitted on behalf of the petitioner that the petitioner is not a named accused nor anything has been recovered from his possession and his name has been implicated in this case on the basis of the confessional statement of the co-accused Ramanand Yadav from whose house the alleged wines were recovered. It is further submitted that the petitioner is the Public Distribution System Dealer and on account of enmity his name has been whispered implicating him in this case.

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Learned counsel appearing for the State is not in position to refute the above submissions.

Having considered the submissions, as noticed above, and in the facts and circumstances of the case, it is directed that let the petitioner surrender in the Court below within a period of four weeks from today, when he,

Dilip Kumar Choudhary @ Dilip Choudhary shall be released on bail on furnishing bail bonds of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the Chief Judicial Magistrate, Supaul, in connection with Tribeniganj P.S.Case No. 107 of 2008 subject to the conditions as laid down under section 438(2) of the Code of Criminal Procedure.

Manish/- **(Shailesh Kumar Sinha,J.)**

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